

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION**

**IN RE:  
PILGRIM'S PRIDE FAIR LABOR  
STANDARDS ACT LITIGATION**

**MDL DOCKET NO. 1:07-cv-1832  
ALL CASES**

**CASE MANAGEMENT ORDER NO. 2**

It is anticipated that Plaintiffs will file a motion for collective action certification in this case. The Court indicated at the July 6, 2007 pre-trial conference that it would be appropriate to allow the parties to engage in discovery relating to collective action certification issues.

However, upon further consideration, the Court has decided that discovery is not necessary at the initial stage of the certification process, as courts usually make a decision to issue notice under 29 U.S.C. § 216(b) based solely on the pleadings and any submitted affidavits. *See Hipp v. Liberty Nat'l Life Ins. Co.*, 252 F.3d 1208, 1218 (11th Cir. 2001); *Mooney v. Aramco Servs. Co.*, 54 F.3d 1207, 1216 (5th Cir. 1995); *Allen v. McWane, Inc.*, No. Civ. A. 2:06-CV-158TJ, 2006 WL 3246531 (E.D. Tex. Nov. 7, 2006); *see also* 51B C.J.S. *Labor Relations* § 1328. The Court is aware that sending notice early in this proceeding is critical under the Fair Labor Standards Act because the statute of limitations continues to run until individuals affirmatively opt-in to the action.

The Court has reviewed both parties's proposals pertaining to the certification issue. Bearing in mind that there will no discovery during this initial stage of certification, the Court hereby adopts and orders the following schedule of deadlines in advance of the collective action certification motion:

1. Plaintiffs have up to and including **September 21, 2007**, to file a motion for collective action certification and any supporting documents.

2. Defendant has up to and including **October 12, 2007**, to file a response to Plaintiffs' motion.

3. Plaintiffs have up to and including **November 2, 2007**, to file a reply to Defendant's response.

IT IS SO ORDERED, this 19th day of July, 2007.

/s/ Harry F. Barnes  
Hon. Harry F. Barnes  
United States District Judge